

PART 6

THE EXECUTIVE

6.1 LEADER WITH CABINET

6.1.1 The Herefordshire Executive will consist of a Leader and a Cabinet.

6.1.2 Role and Function

6.1.2.1 The Cabinet will have responsibility for discharging all the functions of the Council, which are not otherwise the responsibility of any other part of the Council, whether by virtue of law or this Constitution, and it has all the powers that the Council has to discharge these functions.

6.2 THE CABINET

6.2.1 The Cabinet will consist of the Leader of the Council and nine other Cabinet Members. The Deputy Leader will be appointed in accordance with Standing Order 4.3.3. Membership of the Cabinet is set out at Appendix 19.

6.2.2 Terms of Reference

6.2.2.1 The Cabinet's roles will be:

- To consider the overall management and direction of the Council. Directed by the Leader of the Council, it will work with senior managers to ensure the policies of Herefordshire are clear and carried through effectively;
- To propose to Council a strategic policy framework and individual strategic policies;
- To identify priorities and recommend them to Council;
- To propose to Council the Council's budget and levels of Council Tax;
- To give guidance in relation to: policy co-ordination; implementation of policy; management of the Council; senior employees in relation to day to day implementation issues;
- To receive reports from Cabinet Members on significant matters requiring consideration and proposals for new or amended policies and initiatives;

- To consider and determine policy issues within the policy framework covering more than one programme area and issues relating to the implementation of the outcomes of monitoring reviews.

6.2.3 Conduct of Business etc

6.2.3.1 Cabinet will conduct its business in accordance with the Cabinet Procedure Rules set out at Appendix 1.

6.2.4 Appointment of Committees of the Executive

6.2.4.1 ✓ Cabinet will have the power to establish Committees to discharge any of its functions in accordance with the Local Government Act 2000.

6.3 THE LEADER OF THE COUNCIL

6.3.1 The Leader shall be a Councillor elected to the office of Leader by the Council Meeting in accordance with Standing Order **4.3**. The Leader shall hold office until the next annual meeting of Council or if sooner until:

- He/she resigns from the office; or
- He/she is suspended from being a Councillor by virtue of action under Part III of the Local Government Act 2000; or
- He/she ceases to be a Councillor.

6.3.2 Exercise of Powers

6.3.2.1 The Leader and other individual Cabinet Members may exercise all the powers available to the Cabinet to discharge those functions of the Cabinet within their respective programme area responsibilities.

6.3.2.2 The Deputy Leader will deputise for the Leader (in his absence) and in the management of the administration.

6.3.2.3 The Leader (and in his absence the Deputy Leader) may make decisions in relation to any of the Cabinet portfolio areas in the absence or otherwise of any individual Cabinet Member.

6.3.3 General Terms of Reference

6.3.3.1 The Leader's roles are:

- To lead the Council and Cabinet
- To act as the principal spokesman for the Cabinet
- To manage the Cabinet in accordance with the Cabinet Procedure Rules
- To appoint a Deputy Leader of the Council from the Cabinet

- To be responsible for the Corporate Strategy and Finance Programme Area of the Council's operations
- Liaison between the Cabinet and Community Forums
- To convene and chair meetings of the Political Group Leaders
- Corporate policies and strategies
- The policy framework (subject to Council)
- The allocation of resources: finance (capital and revenue) including overall budget and council tax
- Council Tax, National Non-Domestic Rate (NNDR) (subject to Council approval)
- Promotion of the Council as a public authority and external liaison
- Local Government issues including functions, structure, boundaries or electoral arrangements
- European, national and regional matters
- To appoint Cabinet Support Members who, individually, may be allocated long-term responsibility for a particular piece of work, may be allocated time-limited pieces of work, might work jointly with a Cabinet Member in support of parts of their portfolios and/or take responsibility for cross-cutting issues.
- Any initiative not specifically allocated to any other Programme Area.

6.3.4 Conduct of Business

6.3.4.1 The Leader of the Council will be responsible for the political management of the Council and, as Leader of the Cabinet, will be consulted by the Chairman of the Council on matters relating to the business of the Council. The Leader will appoint a Deputy Leader of the Council to assist with the political management role.

6.4 LEADER'S PROGRAMME AREA RESPONSIBILITIES

6.4.1 Subject to the rights of Council in relation to the Policy Framework and Budget, the Leader will be responsible for the Corporate Strategy and Finance remit including:

6.4.1.1 Corporate policies and strategies;

6.4.1.2 The policy framework (subject to Council approval);

6.4.1.3 The allocation of resources: finance (capital and revenue) including overall budget and council tax, property and people;

6.4.1.4 Council Tax, National Non-Domestic Rate (NNDR), (subject to Council approval);

6.4.1.5 Financial and administrative arrangements including performance indicators, complaints and business planning;

6.4.1.6 Promotion of the Council as a public authority and external liaison;

6.4.1.7 Local Government issues including functions, structure, boundaries or electoral arrangements and elections and electoral registration;

6.4.1.8 European, national and regional matters;

6.4.1.9 Any initiative not specifically allocated to any other Programme Area.

6.5 OTHER EXECUTIVE (CABINET) MEMBERS PROGRAMME AREA RESPONSIBILITIES

6.5.1 The other (nine) Executive (Cabinet) Members shall be Councillors appointed by the Council to the Cabinet. There may be no co-optees and no substitutes for Executive Members. Neither the Chairman nor Vice-Chairman of the Council may be appointed to the Executive and members of the Executive (including the Executive Leader) may not be members of a Scrutiny Committee.

6.5.2 These other Cabinet Members shall hold office until the next annual meeting of Council or if sooner until:-

6.5.2.1 They resign from office; or

6.5.2.2 They are suspended from being Councillors by virtue of action under Part III of the Local Government Act 2000; or

6.5.2.3 They cease to be Councillors; or

6.5.2.4 They are removed from office, either individually or collectively, by resolution of the Council Meeting, following reference by the Leader to the Council in relation to the continuance of their office.

6.5.3 They will exercise day to day oversight of the area for which they are assigned responsibility. They will be responsible to Cabinet for its management and for reports on policy development and the achievement of service objectives.

6.5.4 General Terms of Reference

6.5.4.1 Without prejudice to their powers in this Constitution, Cabinet Members will have regard to the following principles in the exercise of their powers:

- Decision making in respect of their area of responsibility within the policy framework and budget
- Expressing a view on policy implementation issues in their programme area in particular when consulted by a Director or making a recommendation to the Cabinet
- Recommending major policy changes and referring sensitive policy matters to Cabinet

- Responding to reports from Scrutiny Committees on service performance
- Oversight of services within the relevant programme area

6.5.4.2 The receipt of information and advice on the exercise of the role from:

- The full Council of Herefordshire
- The Cabinet
- Directors and other senior employees
- Scrutiny Committees in respect of policy implementation, monitoring and reviews

6.5.4.3 The Cabinet Member, subject to the specific terms of reference for each individual member set out below, will consider and offer advice on policy issues:

- Of a political nature in relation to their programme area;
- Of a non-strategic nature;
- In conjunction with senior employees, in relation to a management framework for services.

6.6 CABINET MEMBER (CHILDREN'S SERVICES) PROGRAMME AREA RESPONSIBILITIES

6.6.1 Terms of Reference

6.6.1.1 The Cabinet Member (Children's Services) will be responsible for:

- Education matters, excluding quasi-judicial matters reserved to the SEN Tribunal and Pupil Admissions/Exclusions Appeal Panels, and also excluding responsibilities delegated to school governing bodies.
- Functions conferred on or exercisable by the Council as Local Education Authority.
- Functions conferred on or exercisable by the Council which are Social Services functions (within the meaning of the Local Authority Social Services Act 1980) so far as those functions relate to children.
- Functions conferred on the Council in relation to children formally in the Council's care under sections 23C to 24D of the Children's Act 1989.
- Functions conferred on the Council under sections 10 to 12 and 17 of the Children's Act 2004 to establish services to safeguard, promote and improve the well-being of children in Herefordshire.

- Any functions exercisable by the Council under section 31 of the Health Act 1999 on behalf of any NHS body so far as those functions relate to children.

6.7 CABINET MEMBER (COMMUNITY SERVICES) PROGRAMME AREA RESPONSIBILITIES

6.7.1 Terms of Reference

6.7.1.1 The Cabinet Member (Community Services) will be responsible for:

- Lifelong Learning
- Archives
- Parks and Countryside
- Voluntary Sector Grants
- Leisure
- Library Services
- Heritage Services
- Cultural Services
- Tourism
- Community Safety
- **Youth Services** (on an interim basis pending publication of the Government Green Paper when responsibility may need to move to the Children's programme area).

6.8 CABINET MEMBER (CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES) PROGRAMME AREA RESPONSIBILITIES

6.8.1 Terms of Reference

6.8.1.1 The Cabinet Member (Corporate and Customer Services and Human Resources) will be responsible for:

- Corporate Services (Legal and Democratic Services)
- Customer Services (including complaints)
- Information Technology, e-Government and Information Services
- Service Improvement Programme

- Personnel issues other than the appointment of staff and those specifically reserved for the Cabinet Member (Children's Services)
- Emergency Planning
- Performance Management.

6.9 CABINET MEMBER (ECONOMIC DEVELOPMENT) PROGRAMME AREA RESPONSIBILITIES

6.9.1 Terms of Reference

6.9.1.1 The Cabinet Member (Economic Development) will be responsible for:

- The Edgar Street Grid Project
- Hereford City markets and associated business
- Economic Development including liaison with local, regional, national and European Union bodies as appropriate
- Economic Policy
- Co-ordination of the economic development of the County with the Cabinet Member (Rural Regeneration and Strategy).

6.10 CABINET MEMBER (ENVIRONMENT) PROGRAMME AREA RESPONSIBILITIES

6.10.1 Terms of Reference

6.10.1.1 The Cabinet Member (Environment) will be responsible for:

- Environmental promotion and protection issues
- Planning and land use including historic buildings, conservation and archaeology and the approval of supplementary planning guidance, excluding development control and other applications reserved to the Planning Committee
- Waste Management
- Regulatory matters excluding quasi-judicial and other matters reserved to the Regulatory Committee but including Animal Health and Welfare, Environmental Health and Trading Standards

- Cemeteries, crematoria and disused burial grounds
- Public conveniences
- Travellers
- Air Quality Management Strategy
- Contaminated land (where Council is the owner or otherwise responsible as the polluter)
- The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area
- Any function under a Local Act as referred to in Appendix 22 of the Constitution.

6.11 CABINET MEMBER (HIGHWAYS AND TRANSPORTATION) PROGRAMME AREA RESPONSIBILITIES

6.11.1 Terms of Reference

6.11.1.1 The Cabinet Member (Highways and Transportation) will be responsible for:

- Highways and transport matters save for those reserved to the Regulatory Committee
- Land Drainage
- Safety of large reservoirs, disused mines and quarry tips
- Public sewerage functions where agency agreements exist with the water companies.

6.12 CABINET MEMBER (RESOURCES) PROGRAMME AREA RESPONSIBILITIES:

6.12.1 Terms of Reference

6.12.1.1 The Cabinet Member (Resources) will be responsible for:

- supporting the Leader of the Council in the corporate finance area and Financial Management
- Strategic Property

- Procurement
- Audit.

6.13 CABINET MEMBER (RURAL REGENERATION AND STRATEGY) PROGRAMME AREA RESPONSIBILITIES

6.13.1 Terms of Reference

6.13.1.1 The Cabinet Member (Rural Regeneration and Strategy) will be responsible for:

- Planning, provision and management of regeneration activities across the County including rural regeneration zone activity
- Co-ordinating approach to rural issues – community, transport, housing, economy through the Community Strategy (Herefordshire Plan) process
- Liaison with local, regional, national and European bodies as appropriate
- Smallholdings Estates including selecting tenants in consultation with two non-executive members (one from the administration and one from the opposition) and maintaining the Estate
- Common Land (including Council-owned Commons and determination of any complaints about the management of the Council's Commons
- Farmer's Markets
- Markets (outside Hereford City)
- Co-ordination of the economic development of the county with the Cabinet Member (Economic Development).

6.14 CABINET MEMBER (SOCIAL CARE ADULTS AND HEALTH) PROGRAMME AREA RESPONSIBILITIES

6.14.1 Terms of Reference

6.14.1.1 The Cabinet Member (Social Care Adults and Health) will be responsible for:

- The authority's strategic housing responsibilities and overview of housing matters generally within the County
- The Housing Investment Programme

- Social Services matters excluding matters relating to children and quasi-judicial matters reserved to the Social Care Appeals Panel and other bodies
- Integrated services and partnership arrangements in Social Care
- Adult Social Care including Supporting People and Learning Disabilities
- Social inclusion issues
- NHS and health related issues.